

ALSTON & BIRD LLP

One Atlantic Center
1201 West Peachtree Street
Atlanta, GA 30309-3424

404-881-7000
Fax: 404-881-7777
www.alston.com

Lee A. DeHihns, III

Direct Dial: 404-881-7151

E-mail: lee.dehahns@alston.com

January 15, 2010

VIA UPS OVERNIGHT

Gail Mitchell, Deputy Director
Water Protection Division
U.S. EPA Region 4
Atlanta Federal Center
61 Forsyth Street
Atlanta, Georgia 30303-8960

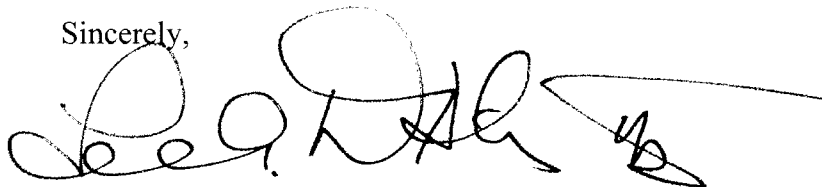
**Re: October 6, 2009, Information Request – Section 308 of the Clean
Water Act - Dalton Utilities Land Application System**

Dear Ms. Mitchell:

Enclosed with this letter is information from Dalton Utilities in response to EPA's October 6, 2009, Section 308 of the Clean Water Act request (the "Request") addressed to Mr. Don Cope, President and CEO of Dalton Utilities. The enclosure is a letter dated January 13, 2009, with a certification signed pursuant to the Request and information responsive to EPA's December 22, 2009 letter with comments on various reports that Dalton Utilities submitted pursuant to the Request.

Please contact me if have any questions regarding the information supplied pursuant to the Request.

Sincerely,



Lee A. DeHihns, III

LAD:gba
Enclosures

LEGAL02/31578197v8

2010 JAN 20 A 9 22



January 13, 2010

Ms. Gail Mitchell
Clean Water Enforcement Branch
Water Protection Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303-8960

Re: Information Request – Section 308 of the Clean Water Act
Drinking Water Well Survey Report
Drinking Water Well Monitoring Report
Composted Biosolids Monitoring Plan
Compost Use Review Report

Dear Ms. Mitchell,

In accordance with the Information Request pursuant to Section 308 of the Clean Water Act dated October 6, 2009, Dalton Utilities submitted the Drinking Water Well Survey (Drinking Water Report), Drinking Water Well Monitoring Report, Composted Biosolids Monitoring Plan, Compost Use Review Report, and Well Construction Records on November 4, November 5, November 2, November 2, and October 23, 2009, respectively.

Dalton Utilities has received and reviewed the comments dated December 22, 2009, from the United States Environmental Protection Agency (EPA) regarding these submissions. For clarity, the pertinent comments are listed below in plain text with Dalton Utilities responses following in italics.

1. Drinking Water Well Survey Report

- a. Revise the report to specify that Dalton Utilities, EPA, and GA EPD will jointly decide whether the private water well survey and sampling will be expanded in the future to address the potential for PFC contamination of private water wells outside the original 1 mile boundary.

The requested revisions have been made to the Drinking Water Well Survey Report (see Attachment A).

- b. Revise the report to include the notification procedure.

The requested revision has been made to the Drinking Water Well Survey Report (see Attachment A). Additionally, copies of the notification letters were submitted to you on December 23, 2009.

- c. Revise the report to include a schematic (or satellite image) for each off-site compost use site including the home, the well location, and any other important features. A sketch of the lot of a half page in size should be generally adequate.

The Private Drinking Water Well Survey conducted by Dalton Utilities from August to September 2009 was performed independent of the knowledge of locations where Dalton Utilities finished compost was applied to private locations as a soil amendment. As a part of Dalton Utilities Compost Use Review Report, sketches of all locations sampled will be created and maintained by Dalton Utilities and will include the location of any private drinking water wells as well as other important features as noted on page 5 of the aforementioned Report.

With respect to the change in contract laboratories noted in your comments dated December 22, 2009, Dalton Utilities used MPI Research, Inc. for the initial sampling stipulated by the Information Request pursuant to Section 308 of the Clean Water Act dated May 20, 2009. Additionally, MPI Research, Inc.'s services were utilized for the wildlife study as they were capable of testing animal blood and tissue. Dalton Utilities employed Test America Laboratories, Inc. for all other sampling efforts undertaken by Dalton Utilities including the entire Private Drinking Water Well Survey.

2. Drinking Water Well Monitoring Report

- a. Revise the report to specify the above wells will be monitored quarterly for 3 quarters.

The initial private drinking water well survey revealed one location noted as sample ID 22 and 66 (resample of 22) that was determined to have a level of PFOS slightly above the published public health advisory level. No locations were found to have PFOA levels above the published public health advisory level.

The aforementioned location was provided bottled water until it was connected to the closest public water system. As such, no additional sampling of this location is being conducted in accordance with the

Information Request pursuant to Section 308 of the Clean Water Act dated October 6, 2009, and Dalton Utilities Private Drinking Water Well Monitoring Report submitted to you on November 5, 2009.

An additional seven locations identified as samples 9, 12, 37, 89, 90, 93, and 111 (Dup 3) were found to have levels at or above the contract laboratory's reporting limit or level of quantification for PFOA or PFOS. Further, two other locations identified as samples 97 and 99 were found to have levels at or above the contract laboratory's reporting limit or level of quantification for one or more of the other PFCs. These nine locations are being sampled in accordance with the Information Request pursuant to Section 308 of the Clean Water Act dated October 6, 2009, our correspondence dated December 23, 2009, and the revised Private Drinking Water Well Monitoring Report (see Attachment B).

The location identified as sample 104 was not found to have a level at or above the contract laboratory's reporting limit or level of quantification for any of the PFCs. As such, this location is not being resampled in accordance with the Information Request pursuant to Section 308 of the Clean Water Act dated October 6, 2009, and Dalton Utilities Private Drinking Water Well Monitoring Report submitted to you on November 5, 2009.

3. Composted Biosolids Monitoring Plan

- a. Please provide the scope of work, the process description of compost being thermally treated, the nature of the modification to the TCLP test and the rationale in utilizing this test as the determining factor not to include the thermally treated compost in the sampling protocol...Also, revise the report to specify sample collection of 2 composited samples from each aged compost lot three times at four-month intervals.

The requested information is attached herein as Attachment C.

The Toxicity Characteristic Leaching Potential (TCLP) test was modified slightly to use deionized water for the leaching fluid as described in the case narrative of the analytical report submitted to you on October 20, 2009, as deionized water would not cause undue interference with the analytical testing for PFCs. As there is no limit on PFCs in compost but a public health advisory was issued for PFOA and PFOS in water, Dalton Utilities utilized the modified TCLP test to evaluate the potential for PFOA or PFOS to leach from the finished compost. When PFOA and PFOS levels in the finished compost do not result in leaching above the public health advisory levels, the compost should be safe for use.

Also, the requested revision has been made to the Composted Biosolids Monitoring Plan (see Attachment D).

- b. Revise the report to specify a 10-aliquot sampling protocol for the aged compost.

The requested revision has been made to the Composted Biosolids Monitoring Plan (see Attachment D).

4. Compost Use Review Report

- a. Revise the report to specify latitude and longitudes will be provided for private drinking water wells.

Page 6 of 17, Section 3. c. of Dalton Utilities Compost Use Review Report submitted on November 2, 2009, stipulates the requested information will be collected for any private drinking water wells sampled as part of the report.

If you have any questions, please contact me at 706-529-1091 or dcope@dutil.com.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Sincerely,



Don Eope
President & CEO

Attachments (4)

- C: Mr. Allen Barnes, Georgia Environmental Protection Division (cover letter only)
Dr. Marlin Gottschalk, Sustainability Division Georgia Department of Natural Resources (cover letter only)
Dr. Bert Langley, Georgia Environmental Protection Division (cover letter only)
Lee A. DeHihns, Esq.